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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 HADARI STALLWORTH,
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Plaintiff,

10 v.

11 OXBORROW, *et al.*,

12 Defendants.
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Case No. 3:16-cv-00540-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

14 Before the Court is the Report and Recommendation of United States Magistrate
15 Judge William G. Cobb (ECF No. 24) ("R&R") issued on June 29, 2018, relating to
16 Defendant's motion for summary judgment (ECF No. 17). Plaintiff had fourteen (14)
17 days to object. That time period has expired and Plaintiff has failed to object.

18 This Court "may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
20 timely objects to a magistrate judge's report and recommendation, then the court is
21 required to "make a *de novo* determination of those portions of the [report and
22 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails
23 to object, however, the court is not required to conduct "any review at all . . . of any issue
24 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
25 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
26 magistrate judge's report and recommendation where no objections have been filed. See
27 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1123 (9th Cir. 2003) (disregarding the
28 standard of review employed by the district court when reviewing a report and

1 recommendation to which no objections were made); *see also Schmidt v. Johnstone*,
2 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in
3 *Reyna-Tapia* as adopting the view that district courts are not required to review "any
4 issue that is not the subject of an objection."). Thus, if there is no objection to a
5 magistrate judge's recommendation, then the court may accept the recommendation
6 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without
7 review, a magistrate judge's recommendation to which no objection was filed).

8 Plaintiff has not objected to the R&R. Nevertheless, the Court will conduct a *de*
9 *novo* review to determine whether to adopt the R&R. The Magistrate Judge
10 recommends granting Defendant's motion for summary judgment based on Plaintiff's
11 failure to exhaust his administrative remedies. (ECF No. 24.) Having reviewed the R&R,
12 Defendant's motion and the filings in this case, the Court agrees with the R&R and will
13 adopt Judge Cobb's recommendation.

14 It is therefore ordered that the Report and Recommendation of Magistrate Judge
15 William G. Cobb (ECF No. 24) is accepted and adopted in its entirety.

16 It is further ordered that Defendant's motion for summary judgment (ECF No. 17)
17 is granted.

18 The Clerk is directed to enter judgment in favor of Defendants in accordance
19 with this order and close this case.

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21 DATED THIS 18th day of July 2018.

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25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE
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